

us fairly manage the Y2K litigation while protecting legal rights and due process.

Provisions like the one requiring notice before filing a lawsuit will help save the resources of our court system while giving parties the opportunity to work out their problems before incurring the costs of litigation and the hardening of positions the filing of a lawsuit often brings.

The requirement that defects be material for a class action to be brought will allow recovery for those defects that are of consequence while keeping those with no real injury from using the court system to extort settlements out of companies that have done them no real harm. And the provision in this bill keeping plaintiffs with contractual relationships with defendants from seeking, through tort actions, damages that their contracts do not allow them to get, will make sure that settled business expectations, as expressed in duly negotiated and executed contracts, are honored and that plaintiffs get precisely but not more than the damages they are entitled to under those contracts.

I also think it is important for everyone to recognize that the bill we have before us today is not the bill that was originally introduced, not even the bill that was reported out of the Commerce Committee. Because of the cooperative efforts of Senators McCAIN, DODD, WYDEN, GORTON, and so many others who are interested in seeing this legislation move forward, this bill has been significantly tailored to meet the urgent problems we may face.

I will conclude by saying that this legislation will not protect wrongdoers or deprive those deserving of compensation. What it will do is make sure that what we have in place is a fair and effective way to resolve Y2K disputes, one that will help make sure we do not compound any problems caused by the Y2K bug, even larger problems caused by unnecessary litigation.

This is good legislation, and I am optimistic that it will soon pass the Senate and that we will, thereby, have dealt with a problem which otherwise would be much larger than it should be.

I thank the Chair, and I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I have come to the floor to make a brief statement about the Kosovo situation. I ask unanimous consent that the pending amendment be laid aside so I can speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KOSOVO

Mr. KERREY. Mr. President, like many Americans, I am very pleased with the recent agreement within the United Nations Security Council on a

plan that will end the conflict in Kosovo and achieve NATO's primary objective of returning the people of Kosovo to their homes.

I take this opportunity to join with many others who have spoken on this subject to thank the aircrews and the support personnel of our Air Force, our Navy, and our Marine Corps. These men and women have demonstrated that American airpower can bring change in the course of history. Their dedication to duty and professionalism makes all of us proud.

We have just recently passed the defense appropriations bill, and I had hoped to come to the floor, especially to speak to Nebraskans, who have a big stake in this bill, not just because we are beneficiaries of the security provided to us by the men and women who will benefit from these appropriations, but also because we have significant numbers of people in my State who are part of the effort to keep the United States of America safe.

These laws that we pass—the defense appropriations bill and the defense authorization bill—are not merely words on a piece of paper; these laws are converted into human action. While it is true that men and women have to be well-trained, they need to be patriotic in order to be willing to give up their freedoms to serve the cause of peace and freedom throughout the world. It is also true that the beginning point is the kind of dream that we have in this Senate and in this Congress about the way we want our Nation and our world to be.

Operation Allied Force was very dangerous and very expensive. It is natural for us, at the moment, to want to celebrate a victory. However, I believe we must recognize the hard work is just beginning.

Two immense tasks now confront NATO. The first is to restore a refugee people to their homeland, and the second is to make the Balkan region a modern, democratic, and humane environment in which ethnic cleansing can never again occur. The first task may take a year, given the destruction of homes and farms in Kosovo. The second will take generations and will never occur without democratic change in the Yugoslavian Government.

At the outset of the NATO military action, I expressed my concern about the effect the U.S. commitment to this operation would have on our ability to meet our global security obligations. Only the United States of America has the ability to counter the threats that are posed by Iraq, North Korea, or the proliferation of weapons of mass destruction. The stability of this planet depends on the readiness of the U.S. military, and thus we must avoid squandering our capabilities on missions not vital to U.S. national security.

NATO has committed itself to provide a peace implementation force of 50,000 troops. Of this force, the United States will supply about 7,000 marines

and soldiers. While I have concerns about the overcommitment of United States military forces, I am pleased our European allies have stepped forward and pledged to provide the vast majority of the implementation force. We should work to lessen the United States military involvement, with the goal of creating an all-European ground force in Kosovo within a year.

In the meantime, we must be straightforward with the American people. There are risks associated with this mission. This force will be responsible for assisting the Kosovar refugees' return home, disarming the Kosovo Liberation Army, and coping with the myriad issues, such as landmines and booby traps, that will be left behind by the departing Serbian military. American casualties remain a very real possibility.

Out of this conflict, I see reason for us to be optimistic. First, our allies in Europe, led primarily by Britain and Germany, have played a leading role in finding a solution to the conflict. It is in the interest of the Europeans to build a peaceful and stable Balkans. Their effort to find a diplomatic agreement and to provide the majority of the troops to enforce this agreement is a positive sign for the future.

Second, I am pleased with the constructive role that has been played by the Russians. There will not be a lasting Balkan peace without the active participation of Russia. It is my hope the positive atmosphere that has been created between Russia and the West will be carried forward and will reignite the relationship that has suffered over the past few months.

Finally, I hope we have begun to see the future of Balkan stability in a larger context. We cannot continue to fight individual Balkan fires. We must begin to look for preventive measures to avoid the next Balkan conflict before it begins.

The United States and our European allies have not done enough to bring the Balkans into the political and economic structures of Europe. We have not done enough to support the latent forces of democracy that exist in the region.

Our challenge today is to extend to the Balkans the peace and stability that comes from a society based on democratic principles where the rights of all people are protected, a society based on the rule of law where legitimate grievances among people are honestly adjudicated, a society based on free enterprise where commerce is unleashed to create jobs and prosperity.

More than failed diplomacy, Kosovo should have taught us the consequences of failed states. Multiethnic Balkan States are not impossible, but to succeed, they must be free-market democracies.

I believe peace and stability is an achievable goal. First, we must work with prodemocracy forces within the various Balkan States to strengthen the emerging democracies and encourage the transition to democracy.

Second, we must begin a massive reconstruction effort. This project, led by the Europeans, should restore infrastructure damaged in the war, create opportunities for economic development, and establish conditions that will allow for eventual membership in the European Union.

Finally, we should convene a conference of concerned nations that will work together to address the long-term security needs of the Balkans.

Let me state that the objective of building a peaceful and stable Balkans will not be achieved as long as Slobodan Milosevic remains the President of Yugoslavia. A man who has started four wars in this decade, killed and ethnically cleansed hundreds of thousands of civilians, crushed democratic opposition, and presided over the ruination of his country can never guide the kind of political, economic, and social change that will be necessary to rebuild Serbia.

As long as Milosevic remains in power, he is a threat to peace. As long as Milosevic remains in power, the politics of racism and ethnic hatred will prevail. As long as Milosevic remains in power, the West should not prop up his regime by rebuilding Serbia.

In 1996, we missed our opportunity to help prodemocracy forces that gathered in the streets of Belgrade. When the protests began, we hesitated, and Milosevic used the opportunity to consolidate his control by brutally repressing the opposition. Rather than seeing Milosevic as a tyrant and a threat to peace, we saw him as a partner in Bosnia. We should no longer suffer the illusion that Milosevic can be a partner in peace. We should work with the people of Serbia to ensure a quick end to the Milosevic regime.

I believe the end could be near. Over 70 days of NATO airstrikes have loosened Milosevic's grasp on the instruments he uses to control his people. It is my hope the democratic forces in Serbia—with Western assistance—will seize this opportunity to remove him. Only with a new democratic leadership will Serbia begin the process of rejoining the community of nations.

At the end of a military conflict, it is natural to look back and to assess ways in which the use of force could have been avoided. While many will find fault with U.S. diplomacy in the days and months leading up to the initiation of airstrikes, I believe our failure starts a decade before by not working to extend to the Balkans the peaceful democratic revolutions that swept through Eastern Europe.

We must address the problems facing the Balkans by extending the benefits of democracy, or face the prospect of continual ethnic conflict and instability.

In addition to praising the men and women of the aircrews of the Air Force and the Navy and the Marine Corps who fought and flew bravely into great danger, and who deserve a great deal of credit for delivering this success, I

offer as well my congratulations and praise to the Commander in Chief, the President of the United States, who held the NATO alliance together, who persevered when there was considerable doubt and criticism not only at home but abroad as well, and who must be given great credit for delivering this successful agreement.

We have just begun the hard work of rebuilding democracy in this region of the world. We should not forget, as I have said in my statement, we have arrived here because we were complacent. We have arrived here because we ignored the call for freedom inside of Serbia, to our eventual peril as a consequence.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

### Y2K ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 621, AS FURTHER MODIFIED

Mr. GORTON. What is the business before the Senate?

The PRESIDING OFFICER. The pending business is the question on the amendment by the Senator from California, as further modified.

Mr. GORTON. I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 621, as further modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—66

Abraham	Enzi	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McConnell
Bayh	Gorton	Moynihan
Bennett	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Hatch	Roth
Campbell	Helms	Santorum
Chafee	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Smith (NH)
Coverdell	Kerry	Smith (OR)
Craig	Kohl	Snowe
Crapo	Kyl	Specter
DeWine	Landrieu	
Dodd	Lieberman	
Domenici	Lincoln	

Stevens  
Thompson

Thurmond  
Voinovich

Warner  
Wyden

NAYS—32

Akaka  
Biden  
Boxer  
Breaux  
Bryan  
Byrd  
Cleland  
Conrad  
Daschle  
Dorgan  
Durbin

Edwards  
Feingold  
Graham  
Harkin  
Hollings  
Inouye  
Jeffords  
Johnson  
Kennedy  
Kerrey  
Lautenberg

Leahy  
Levin  
Mikulski  
Murray  
Reed  
Reid  
Sarbanes  
Schumer  
Torricelli  
Wellstone

NOT VOTING—2

McCain

Thomas

The motion was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the only remaining amendments in order to S. 96 be those by Senators SESSIONS, GREGG, and INHOFE, and that following those amendments the bill be advanced to third reading.

I further ask consent that all debate must be concluded today on the Sessions, Gregg, and Inhofe amendments, and if any votes are ordered, they occur in stacked sequence just prior to the passage vote on Tuesday, with 2 minutes for explanation prior to the votes if stacked votes occur.

I further ask that following the reading of the bill for the third time, the Senate then proceed to the House companion bill, H.R. 775, and all after the enacting clause be stricken, the text of S. 96 be inserted, H.R. 775 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, June 15, or immediately after votes on any of the above amendments if such votes are ordered, with paragraph 4 of rule XII being waived.

I further ask that following the third reading of S. 96, the bill be placed back on the calendar.

Finally, I ask consent that at 11 a.m. on Tuesday, June 15, there be 2 hours equally divided for closing arguments, and following those remarks the Senate stand in recess until 2:15 p.m. for the weekly party conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I want to make a further announcement by direction of the majority leader. There will be no further votes today, and there will be no votes tomorrow. The next vote will take place not earlier than 5:30 p.m. on Monday, and there may, if appropriate at that time, be a vote on final passage of the energy and water appropriations bill.

AMENDMENT NO. 622 TO AMENDMENT NO. 608 (Purpose: To provide regulatory amnesty for defendants, including States and local governments, that are unable to comply with a federally enforceable measurement or reporting requirement because of factors related to a Y2K system failure)

Mr. GORTON. I send an amendment to the desk on behalf of Senator INHOFE